

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

K.A., *a minor*,
guardian ad litem, Mayra P.

Plaintiff,

V.

CLINICA SIERRA VISTA, *et al.*

Defendants.

Case No. 1:21-cv-01105-NONE-EPG

**ORDER GRANTING FOURTH MOTION
FOR EXTENSION OF TIME TO RESPOND
TO COMPLAINT**

(ECF No. 18)

On July 20, 2021, Plaintiff K.A., a minor, through counsel, filed this action under the Federal Tort Claims Act, California statutory law, and California common law. (ECF No. 2). Currently before the Court is the fourth motion for extension of time to respond to the complaint filed by Defendants Clinica Sierra Vista, Dmitri De La Cruz, M.D., and Kathleen Kalfman. (ECF No. 18; *see* ECF Nos. 11, 13, 16). As grounds, Defendants state that an extension to January 21, 2022, is sought because Clinica Sierra Vista is a federally funded community health center and is therefore required to tender the Complaint to the Department of Health and Human Services (DHHS) so that it may review the matter for coverage under the Federal Tort Claims Act and that an extension is necessary because DHHS needs more time to complete its determination of the FTCA coverage and tender of the Complaint. (ECF No. 18, p. 2). And the motion states that the “DHHS attorney is also going to be out of the office on PTO from December 20, 2021

1 through January 4, 2021." (*Id.*). Defendants represent that they "conveyed the above information
2 to Plaintiff in an attempt to meet and confer regarding the requested extension, but as of the filing
3 of this Motion, no response has been given by Plaintiff as to whether they oppose the request."
4 (*Id.* at 3).

5 Being sufficiently advised, IT IS ORDERED that the fourth motion for extension of time
6 to respond to the complaint (ECF No. 18) is granted. Defendants Clinica Sierra Vista, Dmitri De
7 La Cruz, M.D., and Kathleen Kalfman shall respond to Plaintiff's complaint no later than January
8 21, 2022.¹

9 Given the extension of time for Defendants to respond to Plaintiff's complaint until
10 January 21, 2022, IT IS FURTHER ORDERED that the Initial Scheduling Conference currently
11 set for January 10, 2022, is CONTINUED and will now be held on February 9, 2022, at 10:30
12 AM in Courtroom 10 (EPG) before Magistrate Judge Erica P. Grosjean. To appear telephonically,
13 each party is directed to use the following dial-in number and passcode: 1-888-251-2909;
14 passcode 1024453. The parties are also reminded to file a joint scheduling report one full week
15 prior to the conference and email a copy of same, in Word format, to
16 epgorders@caed.uscourts.gov, for the Judge's review.

17 IT IS SO ORDERED.

18 Dated: December 17, 2021

19 /s/ *Erica P. Grosjean*
20 UNITED STATES MAGISTRATE JUDGE

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28 ¹ The Court is not inclined to grant any further extensions to this deadline, which should be
considered firm.

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